H

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,963	09/07/2000	Yoshinori Tahara	JP9-1999-0203	1948

7590 02/25/2004

EXAMINER
OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
2655	15

William E Lewis
Ryan Mason & Lewis LLP
90 Forest Avenue
Locust Valley, NY 11560

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/656,963	TAHARA ET AL.	
	Examiner	Art Unit	
	Michael N. Opsasnick	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *5,10 and 15* is/are allowed.

6)☒ Claim(s) *1-4,6-9 and 11-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5,6* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. In view of the fact that relevant prior art has been published after the final rejection mailed on 5/7/2003, the prosecution on the merits of this application is re-opened, and the finality of the office action mailed on 5/7/2003 is withdrawn.

Allowable Subject Matter

2. Claims 5,10, and 15 are allowable over the prior art of record.

3. The following is a statement of reasons for the indication of allowable subject matter: . As per claims 5,10, and 15, the recited claim limitations pertaining to a speech recognition system utilizing a sounds like spelling scores in conjunction with a two layer voice recognition process is not explicitly taught by the prior art of record.

Claim Rejections - 35 USC § 103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-4,6-9,11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchins (5208897) in view of Wilson (10/335226) in further view of IBM Technical Disclosure Bulletin (Vol. 35, Issue 1a, pp 59).

As per claims 1,2,6,7,11,12 Hutchins (5208897) teaches:

"obtaining a sentence group....sentence" (col. 11 line 45 – col. 12 line 40)

"obtaining a spelling.....speech recognition dictionary" (fig. 4a)

"obtaining a base form.....word" (Fig. 4a)

"registering said base form....said word" as dictionary storage (col. 9 line 50 – col. 10 line 58).

Hutchins (5208897) teaches the concept of adding to a dictionary, but teaches away from continued adding to the dictionary (Hutchins (5208897), col. 10 lines 5-10). Wilson (10/335226) teaches speech recognition wherein spoken sounds are recognized, transcribed, and stored into memory via a trained sound dictionary, (building the dictionary), including spelling of the word (abstract, Figs. 1 and 2, page. 5, paragraph 0053; page. 6, paragraphs 0068,0074; page 7, paragraph 0079; page 12, paragraph 0149; page 16, paragraph 0202 and 0203). Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Hutchins (5208897) with a trained

sound dictionary of words because it would advantageously allow for a higher recognition rate tailored for individual users and more efficient dictionaries (Wilson (10/335226), page 16, paragraphs 0203 and 0204; page 6, paragraph 0074).

The combination of Hutchins in view of Wilson does not explicitly teach the use of 'sounds-like-spelling' technique in the dictionary functions, however, IBM TDB teaches the use of 'sounds like spelling' in the Tangora Automatic Speech Recognizer (see disclosure text). Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition to modify the teachings of Hutchins in view of Wilson with a 'sounds like spelling' technique because it would advantageously allow user to enter the information more accurately than the phonetic pronunciations (IBM TBD, disclosure text, near the end).

As per claims 2,7,and 12, the combination of Hutchins (5208897) in view of Wilson (10/335226) in further view of IBM TDB teaches:

"a recognition step.....user reads....display corresponding to ith sentence" as on-line process for user input (Hutchins,fig. 4a, -- on-line processes)

"employing said base form.....recognition sentence" as comparing and recognizing the phrase (Hutchins, col. 12 lines 1-40)

As per claims 3,8, and 13, Hutchins teaches generating a control message corresponding to the sentence (as recognized commands -- col. 20 lines 17-24)

As per claims 4,9,14, the combination of Hutchins (5208897) Wilson (10/335226) in further view of IBM TDB teaches determining a pronunciation score and threshold (Hutchins, Fig. 7, see related text of explanation of fig. 7); system status and recognition results (Hutchins, fig. 3), and retrieving voice information, matching, and a second voice pronunciation matching (Hutchins, col. 32 line 1-31).

Response to Arguments

7. Applicant's arguments with respect to claims 1-4,6-9,11-14 have been considered but are moot in view of the new ground(s) of rejection. Examiner notes 1)the Wilson reference teaches the spelling of the word, used in updating the dictionary; 2) the motivation to combine the Hutchins and Wilson reference, as noted above and 3) the combination of Hutchins and Wilson teaching the updated dictionary by user spellings.

The applicant's arguments presented in the ~~supplemental~~ appeal brief are noted and addressed as follows:

With respect to the arguments on pages 5-6 as to the motivation to combine the references, examiner points to the presented motivation to combine, as provided by the applicant on this page, as well as the motivation to combine as presented above in the current 103 rejection. Examiner further notes that all of the motivational statements have come from the references themselves (e.g., IBM TDB teaching that sounds like spellings are easier for users to understand and enter, as well as to make corrections in the examples disclosed in the TDB -- the AAA vs triple A example, and the examples following; and the combination of Hutchins in view

of Wilson as presented above, clearly showing in the Wilson reference the motivation to combine).

With respect to the applicant's arguments (presented on pages 6-7) stating that Hutchins does not teach registration of words in a speech recognition dictionary, examiner argues that the combination of Hutchins in view of Wilson teaches the word registration (see rejection above).

With respect to the applicant's arguments (presented on page 7) stating that Hutchins does not teach searching the dictionary, examiner again points to the previously referred to section of Hutchins, col. 9 line 48 – col. 11 line 42, wherein Hutchins repeatedly refers to accessing a dictionary (e.g., col. 10 lines 4-9, col. 10 lines 35-45, col. 11 lines 15-24).

With respect to the applicant's arguments (presented on page 7-8) stating that Hutchins fails to teach searching for a baseform, examiner argues that the referred section of Hutchins shows the searching of the pronunciation information via a phonetic table, which refers to fig. 4b, being used in the operation of fig. 4a; furthermore, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

With respect to the applicant's arguments (presented on page 8) stating that Hutchins fails to disclose registering a base form of a word, examiner argues that it is the combination of Hutchins in view of Wilson that teaches this feature.

With respect to the applicant's arguments presented in the first paragraph of page 8, examiner points to the new art rejection presented above.

With respect to the applicant's arguments presented on the last half of page 8, the applicant In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the applicant is arguing the specification, and not the scope of the claim language. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments presented on page 8 of the appeal brief are noted as similar arguments presented previously in the appeal brief; therefore, the examiner rebuttal to these arguments is similar to the rebuttal presented above.

With respect to the 'response to arguments' section on pages 9-10 of the appeal brief, examiner guides the applicant to the new grounds of rejection presented above.

Conclusion

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:
(703) 872 9314,
(for informal or draft communications, please label "PROPOSED" or "DRAFT")
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mno
2/18/2004

DORIS H. TO 2/20/04
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600